

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KENATH RICHARD STEIN,

Plaintiff,

v.

ORDER

Civil File No. 09-1995 (MJD/JJG)

CHASE HOME FINANCE, LLC,
and NATIONAL CITY BANK,

Defendants.

Kenath Richard Stein, pro se.

Aleava Rael Sayre, Calvin P. Hoffman, and Marc D. Simpson, Leonard Street and Deinard, PA, Counsel for Defendant Chase Home Finance, LLC.

Ben I. Rust, Peterson, Fram & Bergman, Counsel for Defendant National City Bank.

The above-entitled matter comes before the Court on Plaintiff Kenath Richard Stein's Motion for Emergency Stay of Summary Judgment Motion [Docket No. 133] and Motion to Appeal Order Dated July 2, 2010 [Docket No. 134].

This Court will reverse a magistrate judge's order on a nondispositive

issue if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). The Court has reviewed the submissions and the record in this case and concludes that Magistrate Judge Jeanne J. Graham's July 2, 2010 Order is neither clearly erroneous nor contrary to law. Therefore, the July 2 Order is affirmed. Plaintiff's Motion for Emergency Stay of Summary Judgment Motion, requesting a stay while this Court decides Plaintiff's appeal of the July 2 Order, is denied as moot.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. United States Magistrate Judge Graham's July 2, 2010 Order [Docket No. 116] is **AFFIRMED**.
2. Plaintiff's Motion to Appeal Order Dated July 2, 2010 [Docket No. 134] is **DENIED**.
3. Plaintiff's Motion for Emergency Stay of Summary Judgment Motion [Docket No. 133] is **DENIED AS MOOT**.

Dated: July 19, 2010

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court